

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CARL W. ALLEMAN, et al., Civil. No. 99-3010-CO

Plaintiffs, Order

v.

UNITED STATES OF AMERICA,
et al.,

Defendants.

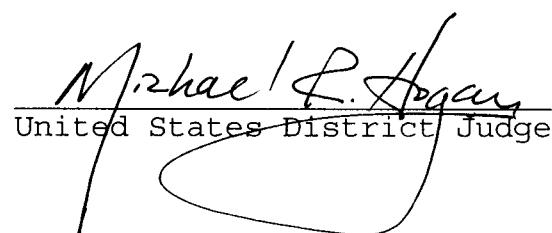
Magistrate Judge John P. Cooney filed Findings and Recommendation [#138] on January 10, 2005 in the above entitled case. The matter is now before the court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Plaintiff timely filed objections. The court has, therefore, given de novo review of Judge Cooney's rulings.

The court finds no material or prejudicial errors, and adopts the Findings and Recommendation in its entirety, except the statement on page 16 that new analysis under the National Environmental Policy Act will be required if Mr. Alleman again applies for a special use permit. Plaintiffs dispute this proposition, and the statement expresses an immaterial legal conclusion. The court expresses no opinion on the merits of the issue. Plaintiffs' motion for partial summary judgment [#89] is denied. Defendants' motion for summary judgment [#100] is granted. Defendant intervenors' motion for summary judgment [#112] is granted. This proceeding is dismissed.

IT IS SO ORDERED.

DATED this 12th day of April, 2005.



United States District Judge